

THURSDAY, APRIL 13, 1995

THIRTY-THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Tom Holland, David Lipscomb University, Nashville, Tennessee.

Representative DeBerry, J led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Odom; personal reasons.

Representative Garrett; personal reasons.

Representative Turner(Hamilton); illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 50: Rep(s). Givens as prime sponsor(s).

House Bill No. 390: Rep(s). Walley and Peach as prime sponsor(s).

House Bill No. 1128: Rep(s). Fitzhugh as prime sponsor(s).

House Bill No. 1190: Rep(s). McDonald as prime sponsor(s).

House Bill No. 1198: Rep(s). Haley, Coffey, White, Fitzhugh and Herron as prime sponsor(s).

House Bill No. 1205: Rep(s). Givens as prime sponsor(s).

House Bill No. 1479: Rep(s). Jackson, Givens, Beavers and Lewis as prime sponsor(s).

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 17, 1995:

House Joint Resolution No. 227 -- Memorials, Sports--Avoca all-star baseball team, Southeast Regional Tournament champions. by *Ramsey.

House Joint Resolution No. 228 -- Memorials, Public Service--Rita Young. by *Lewis.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 17, 1995:

Senate Joint Resolution No. 155 -- Memorials, Recognition and Thanks -- Alan Howell and Dixie Barbeque Company, Inc. by *Crowe.

Senate Joint Resolution No. 157 -- Memorials, Sports -- 1994-1995 Hickman County High School girls' basketball team. by *Springer.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1879 -- Gibson County -- As requested by Bradford Special School District, sets property tax rate for district at \$1.94 per \$100 value. Amends Chapter 153, Private Acts of 1917, as amended. by *Phelan.

House Bill No. 1880 -- Gibson County -- As requested by Trenton Special School District, revises powers of school district board to issue bonds and notes; raises property tax rate from \$1.62 per \$100 value to \$2.07. Amends Chapter 144, Private Acts of 1975. by *Phelan.

House Bill No. 1881 -- Fayette County -- Subject to local approval, removes authority of county board of public works to exercise supervision and control over garbage and rubbish collection

and disposal services. Amends Chapter 234 of the Private Acts of 1974. by *Naifeh, *Walley.

House Bill No. 1882 -- Ripley -- Subject to local approval establishes municipal voting wards. Amends Chapter 223, Acts of 1901. by *Fitzhugh.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

***Senate Bill No. 158** -- Health, Dept. of -- Clarifies that certain boards are under division of health related boards for purpose of enforcing civil penalties imposed by such boards. Amends TCA Title 68, Chapter 1. by *Haynes.

Senate Bill No. 489 -- Sunset Laws -- Department of agriculture, June 30, 1998; requires department to prepare report to review audit findings and progress in correcting issues addressed in audit dated 9/94, to be delivered in February 1995 and 1996 to speakers of both houses and to members GOC committees. Amends TCA Title 4, Chapters 3, 29. by *Haynes.

***Senate Bill No. 501** -- Sunset Laws -- Terminates medicaid drug utilization review board. Amends TCA Title 4, Chapter 29; Title 71, Chapter 5. by *Haynes.

***Senate Bill No. 922** -- Solid Waste Disposal -- Places responsibility in solid waste disposal board rather than commissioner to refuse to issue permit based on past performance. Amends TCA 68-11-106. by *Womack, *Burks, *Springer, *Crowe.

Senate Bill No. 1772 -- Human Services, Dept. of -- Authorizes commissioner of human services to implement changes necessary to meet changes in federal welfare reform; requires all state agencies to cooperate with department relevant to federal welfare reform. Amends TCA. by *Rice, *Elsea, *Carter, *Jordan, *McNally, *Atchley, *Miller J, *Fowler.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1878 -- Spring Hill -- Local Bill Held on House Desk

REPORT OF DELAYED BILLS COMMITTEE
April 13, 1995

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1842.

Jimmy Naifeh, Speaker
Bill Purcell
H. E. Bittle

COMMITTEE ON CALENDAR AND RULES
April 13, 1995

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 17, 1995**: House Bill(s) No(s). 695 and 1125.

The Committee set the following bills on the **Regular Calendar** for **April 19, 1995**: House Bill(s) No(s). 1179, 1643, 1649, 1380, 111, 1247, 467, 1350, 1591, 1782 and 1.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 17, 1995**: House Bill(s) No(s). 902 and 1713; also House Joint Resolution(s) No(s). 163, 164 and 165.

CONSENT CALENDAR

House Resolution No. 46 -- Memorials, Personal Occasion -- Mr. and Mrs. L.C. Brown, 50th wedding anniversary. by *Cole (Carter).

House Resolution No. 47 -- Memorials, Recognition and Thanks -- Shadowlawn Middle School Band, governor's inauguration participants. by *Joyce.

House Resolution No. 48 -- Memorials, Public Service -- Sue Darrell. by *Peach.

House Resolution No. 49 -- Memorials, Recognition and Thanks-- Jefferson Farmers CO-OP, 50th Anniversary. by *Roach.

House Joint Resolution No. 222 -- Memorials, Recognition and Thanks -- Memphis Queen Line. by *Jones R (Shelby).

House Joint Resolution No. 225 -- Memorials, Death -- Theodore F. Wagner, Sr. by *Cantrell.

House Joint Resolution No. 226 -- Memorials, Sports -- Coach Charles M. "Bubber" Murphy, MTSU. by *Bragg, *Eckles.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 95
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 93** -- Motor Vehicles, Titling and Registration -- Permits alumnus of University of Alabama to purchase special license plate denoting University of Alabama logo and colors. Amends TCA Title 55, Chapter 4. by *Odom(SB75 by *Henry).

Further consideration of House Bill No. 93, previously considered on March 2, 1995, March 9, 1995, March 30, 1995, and reset to today's Calendar.

Speaker Naifeh moved that House Bill No. 93 be reset to the Calendar for Wednesday, April 26, 1995, which motion prevailed.

House Bill No. 775 -- Banks and Financial Institutions -- Authorizes banks holding funds of two or more local governments to invest such funds in local government investment pool. Amends TCA Title 9, Chapter 4, Part 7. by *West(*SB938 by *Haynes).

Further consideration of House Bill No. 775, previously considered on April 6, 1995, and reset to today's Calendar.

Rep. West moved that House Bill No. 775 be reset to the last Calendar of the First Session of the 99th General Assembly, which motion prevailed.

House Bill No. 1012 -- Election Laws -- Requires voter registration list and other information such as voter history to be available for purchase at price not to exceed cost

of production; requires state election commission to establish uniform cost; authorizes county election commission to petition state election commission and be granted increase if costs exceeds rate established. Amends TCA 2-2-138. by *Ridgeway, *Purcell(*SB600 by *O'Brien, *Haynes, *Crutchfield, *Kyle, *Dixon, *Springer, *Atchley, *Elsea, *Harper, *Wallace, *Burks, *Henry, *Crowe).

Rep. Ridgeway moved that House Bill No. 1012 be reset to the Calendar for Thursday, April 20, 1995, which motion prevailed.

House Bill No. 1479 -- Public Service Commission -- Prohibits candidates for PSC from accepting contributions for primary or general elections from regulated businesses. Amends TCA Section 3-6-112.. by *Kisber, *Tindell, *Hassell, *Bragg, *Winningham, *Rhinehart, *Byrd, *Pinion, *Odom, *Turner (Ham), *Cole (Carter), *Venable, *DeBerry L, *Turner (Shelby), *Miller L, *Eckles, *Burchett, *McMillan(*SB895 by *Henry, *Haynes, *Person, *Rice, *Cohen, *Ford, *Crowe).

Rep. Kisber moved that House Bill No. 1479 be passed on third and final consideration.

Rep. Tindell moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1479 by inserting the following language as a new subitem (3) at the end of the amendatory language of Section 1:

() It shall be unlawful for any public service commissioner while in office who is a candidate for any other public office as defined in §2-10-102(11) to knowingly accept contributions for election to such public office in a primary or general election from any employee, owner, major stockholder, or officer of a company or business entity regulated by or seeking regulation by the public service commission pursuant to Tennessee Code Annotated, Sections 65-3-123, 65-4-104, 65-4-201, 65-15-107, 65-15-108 and 65-30- 105.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1479**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 53 -- Advertising -- Makes specific service sign program applicable in all counties throughout state. TCA Title 54, Chapter 5. by *Buck, *Robinson(*SB58 by *Springer).

Rep. Buck moved that House Bill No. 53 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 53 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-1101(a), is amended by adding the following language at the end of the subsection:

Multi-lane, controlled-access roads which serve as connecting routes to the interstate system shall be permitted to participate in the specific service sign system in accordance with the guidelines established for the program and the commissioner of transportation is authorized to add such roads to the system.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 53**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigbsy, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1494 -- Psychologists -- Increases per diem for members of board of psychology; revises requirements for temporary license to practice psychology; revises qualifications to practice as psychological examiner. Amends TCA 63-11-104, 206, 207. by *Walley(*SB1566 by *Holcomb).

Rep. Walley moved that House Bill No. 1494 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1494 by deleting from Section 4 the words "extend the temporary license", and by substituting instead the words "issue a second temporary license only".

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that **House Bill No. 1494**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1198 -- Education, Higher -- Enacts "Tennessee Baccalaureate Education System Trust Act." Amends TCA Title 49, Chapter 7. by *Byrd(*SB1500 by *Haynes).

Rep. Byrd moved that House Bill No. 1198 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1198 by deleting from the amendatory language of SECTION 1 the words

" state institutions" wherever they appear and by substituting instead the word " institutions" .

AND FURTHER AMEND BY deleting from the amendatory language of SECTION 1 the word " public" wherever it may appear.

AND FURTHER AMEND BY deleting from Section 49-7-802(6) of the amendatory language of SECTION 1 the words " state public" .

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved that **House Bill No. 1198**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1128** -- Museums -- Directs University of Memphis to develop five-year plan for renovation and restoration of chuchalissa museum. by *Jones R (Shelby), *Chumney, *DeBerry J, *Towns, *Jones U (Shelby), *Brooks, *Turner (Shelby), *Byrd, *DeBerry L, *Bowers, *Kernell, *Cantrell, *Miller L, *Bird(SB1592 by *Dixon).

Rep. Jones R (Shelby) moved that **House Bill No. 1128** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee,

McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Joint Resolution No. 62** -- Memorials, Government Officials -- Directs TWRA to create separate quota for Canadian Geese in south Kentucky Lake region of Kentucky/Barkley Lake Zone. by *Rinks, *Walley, *McDaniel.

Rep. Rinks moved that House Joint Resolution No. 62 be adopted.

Rep. Napier moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 62 by deleting the word "direct" in the first resolving clause and by substituting instead the word "urge".

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved that **House Joint Resolution No. 62**, as amended, be adopted, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1002 -- Education -- Allows home school parent to submit notice of intent to conduct home school to superintendent after August 1, upon payment of \$20.00 penalty for each or part thereof by which notice is late. Amends TCA 49-6-3050. by *Stulce(*SB1320 by *Cohen).

Rep. Stulce moved that House Bill No. 1002 be moved down five places on the Calendar.

***House Bill No. 390** -- Alcoholic Beverages -- Permits Class A County beer board to forbid sale of beer within 300 feet of residence if property is zoned. Amends TCA 57-5-105. by *Ford S, *Shirley, *Sharp, *Ramsey, *McDaniel, *Wood, *McAfee, *Haley(SB511 by *Haun).

Rep. Ford moved that House Bill No. 390 be passed on third and final consideration.

Rep. Boyer moved the previous question, which motion prevailed.

Rep. Ford moved that **House Bill No. 390** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	0
Present and not voting	10

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Bragg, Chumney, Head, Jackson, Jones, S., Langster, Lewis, Pruitt, Purcell, Rigsby -- 10.

A motion to reconsider was tabled.

House Bill No. 1205 -- Education -- Extends penalties to parents of habitually truant children in grades K6 to parents of children in grades K-12. Amends TCA Section 49-6-3007(f). by *Ramsey, *Davidson, *McKee, *McDonald, *Pinion, *Towns, *Bell, *Davis, *Stulce, *Boyer, *Whitson, *Patton, *McMillan(*SB1343 by *Burks, *Dixon, *Atchley).

On motion, House Bill No. 1205 was made to conform with **Senate Bill No. 1343**; the Senate Bill was substituted for the House Bill.

Rep. Ramsey moved that **Senate Bill No. 1343** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter),

Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 1190 -- County Government -- Gives counties authority, by resolution, to exercise certain powers granted to all or certain municipalities by general law. Amends TCA Title 5, Chapter 1, Part 1. by *Callicott, *Fowlkes, *Pinion, *Curtiss, *Ford S, *Patton, *Hicks(*SBI205 by *Haun).

Rep. Callicott moved that House Bill No. 1190 be reset to the Calendar for Wednesday, April 26, 1995, which motion prevailed.

***House Bill No. 359** -- Utilities, Utility Districts -- Revises board of commissioners election requirements for Pleasant Hill Utility District in Cumberland County. Amends TCA Title 7, Chapter 82. by *Curtiss(SB598 by *O'Brien).

Rep. Curtiss moved that House Bill No. 359 be passed on third and final consideration.

Rep. Jones R (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 359 is amended by deleting SECTION 1 in its entirety and by substituting instead the following as a new SECTION 1:

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following as a new subsection to be appropriately designated:

() Notwithstanding any provisions of this chapter to the contrary, for any water utility district having less than one thousand five hundred (1,500) subscribers in any county having a population of not less than thirty four-thousand seven hundred thirty five (34,735) nor more than thirty four-thousand eight hundred (34,800) according to the 1990 federal census or any subsequent federal census, that selected commissioners pursuant to subsection (b) of this section, all vacancies occurring on the board of commissioners of any such utility district after the

effective date of this act shall be filled
pursuant to subsection (a).

On motion, Amendment No. 1 was adopted.

Rep. Curtiss moved that **House Bill No. 359**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 1412** -- Taxes, Sales -- Exempts Olympic housing from sales tax when housing is provided by not-for-profit entity for competition or practice events.
Amends TCA Section 67-6-329. by *Newton, *Bird, *Gunnels, *McKee(SB1598 by *Miller).

Rep. Newton moved that **House Bill No. 1412** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes 0
Present and not voting 7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 89.

Representatives present and not voting were: Brown, Fitzhugh, Lewis, Rigsby, Ritchie, Tindell, Mr. Speaker Naifeh -- 7.

A motion to reconsider was tabled.

House Bill No. 1002 -- Education -- Allows home school parent to submit notice of intent to conduct home school to superintendent after August 1, upon payment of \$20.00 penalty for each or part thereof by which notice is late. Amends TCA 49-6-3050. by *Stulce(*SB1320 by *Cohen).

Further consideration of House Bill No. 1002, previously considered on today's Calendar.

Rep. Stulce requested that House Bill No. 1002 be moved to the heel of the Calendar.

House Bill No. 50 -- Hotels and Restaurants -- Defines "temporary food establishment" as establishment that serves food at fixed location for 20 rather than 14 days Amends TCA Title 68, Chapter 14, Part 3. by *Roach, *Davis(*SB63 by *Wallace).

Rep. Roach moved that House Bill No. 50 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 50 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-302(4), is amended by deleting the last sentence and substituting instead the following:

" Food service establishment" does not include a location from which casual, occasional food sales are conducted solely in connection with youth related amateur athletic or recreational activities or school related clubs by volunteer personnel and which are in operation for twenty-four (24) consecutive hours or less.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Roach moved that **House Bill No. 50**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92

Noes 0
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Williams (Williamson) -- 1.

A motion to reconsider was tabled.

House Bill No. 1081 -- Women -- Authorizes Tennessee Commemorative Women's Suffrage Commission and Tennessee Arts Commission to select statue or sculpture to commemorate general assembly's contribution to passage of 19th Amendment granting women right to vote. Amends TCA Title 4, Chapter 46. by *Turner (Ham), *McMillan(*SB215 by *Cohen, *Harper, *Wright, *O'Brien, *Kyle).

Rep. McMillan moved that House Bill No. 1081 be reset to the Calendar for Thursday, April 20, 1995, which motion prevailed.

House Bill No. 1539 -- Education -- Deletes statutory language which states that any superintendent or director of schools, who is appointed to such office by a popularly elected school board, is only required to have a baccalaureate degree in order to hold such office. Amends TCA Section 49-2-301. by *Winningham, *McAfee, *Duer(*SB1333 by *Burks).

Further consideration of House Bill No. 1539, previously considered on April 6, 1995, April 10, 1995, and reset to today's Calendar.

Rep. Winningham moved that House Bill No. 1539 be passed on third and final consideration.

Rep. Rhinehart moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rhinehart moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1539 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ The provisions of this act shall only apply to boards of education which have a certified public accountant, a public accountant, or a professional business manage employed by the school system.

Rep. Buck moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes 44
Noes 42

Representatives voting aye were: Armstrong, Arriola, Beavers, Bowers, Bragg, Buck, Burchett, Byrd, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, L., Eckles, Fitzhugh, Fowlkes, Halteman Harwell, Hargrove, Hassell, Head, Jackson, Jones, S., Langster, Lewis, McDonald, McKee, Miller, Newton, Phelan, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Sharp, Tindell, Turner (Shelby), West, Williams (Williamson) -- 44.

Representatives voting no were: Bell, Bird, Bittle, Boyer, Brooks, Brown, Callicott, Cantrell, Clabough, Davis, Duer, Dunn, Ford, Givens, Gunnels, Herron, Hicks, Huskey, Kent, Kerr, Kisber, McAfee, McDaniel, McMillan, Patton, Peach, Phillips, Pinion, Ramsey, Roach, Shirley, Stamps, Stulce, Towns, Venable, Walley, Westmoreland, Whitson, Williams (Union), Windle, Winningham, Wood -- 42.

Rep. Head moved the previous question on House Bill No. 1539, which motion failed by the following vote:

Ayes 37
Noes 44
Present and not voting 2

Representatives voting aye were: Armstrong, Beavers, Bell, Bowers, Buck, Burchett, Callicott, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Fitzhugh, Fowlkes, Givens, Hassell, Head, Herron, Hicks, Huskey, Jackson, Kisber, McDonald, McKee, McMillan, Phelan, Phillips, Ridgeway, Rinks, Ritchie, Roach, Tindell, Westmoreland, Whitson, Williams (Union), Winningham -- 37.

Representatives voting no were: Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Duer, Dunn, Eckles, Ford, Halteman Harwell, Jones, S., Kent, Kerr, Langster, Lewis, McAfee, McDaniel, Miller, Newton, Patton, Peach, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Stamps, Stulce, Towns, Venable, Walley, West, White, Williams (Williamson), Windle, Wood -- 44.

Representatives present and not voting were: Haley, Kernell -- 2.

Rep. McAfee moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1539 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-301, is amended by adding the following new subpart (3) to subsection (a):

(3) Notwithstanding any other provision of law to the contrary, any superintendent or director of schools elected by the people or the local legislative body on or after the effective date of this act and any superintendent or director of schools appointed by the local board of education elected by the general public on or after such effective date shall meet all of the minimum qualifications for school superintendents set out in subpart (2) of this subsection and those established by rule of the state board of education.

SECTION 2. Tennessee Code Annotated, Section 49-2-301, is further amended by deleting subsection (i) in its entirety.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Peach moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1539 by adding a new section, as follows:

SECTION _____. Tennessee Code Annotated, Section 49-2-301, is amended by deleting subsection (h) in its entirety and by substituting instead the following:

(h) Notwithstanding the provisions of this section to the contrary, the county commission may, by majority vote, elect to have a superintendent of schools elected by the people or appointed by the county board of education.

Rep. Winningham moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	74
Noes	16
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Givens, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDonald, McKee, McMillan, Miller, Napier, Patton, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White,

Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Beavers, Bird, Boyer, Buck, Burchett, Cantrell, Ford, Fowlkes, Gunnels, Herron, McDaniel, Newton, Peach, Rigsby, Shirley, Windle -- 16.

Representatives present and not voting were: Hargrove -- 1.

Rep. Purcell moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 1539 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
500,000

nor more than
550,000

Rep. Winningham moved that House Bill No. 1539 be reset to the Calendar for Thursday, May 11, 1995, which motion prevailed.

House Bill No. 1291 -- Game and Fish Laws -- Authorizes TWRA to issue new hunting permit for Reelfoot waterfowl blind for \$50.00. Amends TCA 70-2-219(a). by *Pinion(*SB1408 by *Gilbert).

Further consideration of House Bill No. 1291, previously considered on April 10, 1995, and reset to today's Calendar.

Rep. Pinion moved that House Bill No. 1291 be reset to the Calendar for Thursday, May 4, 1995, which motion prevailed.

House Bill No. 1079 -- Alcoholic Beverages -- Permits University of Memphis to serve alcoholic beverages in limited circumstances. Amends TCA Section 57-4-101 and Section 57-4-102. by *Kent, *DeBerry L(*SB1313 by *Cohen).

Further consideration of House Bill No. 1079, previously considered on April 12, 1995, and reset to today's Calendar.

Rep. Kent moved that **House Bill No. 1079** be passed on third and final consideration, which motion failed by the following vote:

Ayes 32
Noes 47
Present and not voting 11

Representatives voting aye were: Armstrong, Arriola, Bowers, Brooks, Brown, Cantrell, Chumney, Cole (Dyer), Davis, DeBerry, J., DeBerry, L., Duer, Head, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, McMillan, Miller, Napier, Pruitt, Purcell, Stamps, Tindell, Towns, Turner (Shelby), West, Whitson -- 32.

Representatives voting no were: Beavers, Bell, Buck, Burchett, Byrd, Callicott, Clabough, Coffey, Cross, Curtiss, Davidson, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Jackson, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, Patton, Peach, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Ritchie, Roach, Sharp, Shirley, Stulce, Walley, White, Williams (Union), Windle, Winningham, Wood -- 47.

Representatives present and not voting were: Bittle, Boyer, Bragg, Cole (Carter), Eckles, Joyce, Phelan, Rinks, Venable, Williams (Williamson), Mr. Speaker Naifeh -- 11.

Having failed to receive a constitutional majority, **House Bill No. 1079** was re-referred to the Committee on Calendar and Rules.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to no on House Bill No. 1079 and have this statement entered in the Journal: Rep(s). Hicks.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from present and not voting to no on House Bill No. 1079 and have this statement entered in the Journal: Rep(s). Joyce.

REGULAR CALENDAR, CONTINUED

House Bill No. 1002 -- Education -- Allows home school parent to submit notice of intent to conduct home school to superintendent after August 1, upon payment of \$20.00 penalty for each or part thereof by which notice is late. Amends TCA 49-6-3050. by *Stulce(*SB1320 by *Cohen).

Further consideration of House Bill No. 1002 previously considered on today's Calendar.

Rep. Stulce moved that House Bill No. 1002 be reset to the Calendar for Thursday, April 20, 1995, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENT

***House Joint Resolution No. 5** -- General Assembly, Statement of Intent or Position -- Provides for participation in Conference of the States. by *Purcell, *Bittle.

Senate Amendment No. 1

AMEND House Joint Resolution No. 5 by deleting all the language of the first resolving clause following the colon and by substituting instead the following language:

(1) A delegation not to exceed seven (7) voting persons from the state of Tennessee, shall be appointed to represent the state of Tennessee at a Conference of the States for the purposes described in Section 2 to be convened as provided in Section 3. The delegation shall not exceed seven (7) voting persons as follows: (a) the governor, or, if the governor does not wish to be a member of the delegation then a constitutional officer selected by the governor; and (b) a number of legislators not to exceed six (6); three (3) from each house of which at least one (1) shall be from each major political party, selected by the presiding officer of that house. Each presiding officer may designate two (2) alternate legislator delegates, one (1) from each party, who have voting privileges in the absence of the primary delegates.

(2) The delegates of The Conference of the States will propose, debate and vote on elements of an action plan to restore checks and balances between states and the national government. Measures agreed upon will be formalized in an instrument called a States' Petition and returned to the delegation's state for consideration by the entire legislature.

(3) The Conference of the States shall be convened under the Section 501(c)(3) auspices of The Council of State Governments in cooperation with the National Governors' Association and the National Conference of State Legislatures no later than two hundred seventy (270) days after at least twenty-six (26) legislatures adopt a resolution of participation.

(4) Prior to the official convening of The Conference of the States the steering committee will draft:

- (a) the governance structure and procedural rules for the Conference;
- (b) the process for receiving rebalancing proposals; and
- (c) the financial and administrative functions of the Conference, including The Council of State Governments as fiscal agent.

(5) The bylaws shall:

- (a) conform to the provisions of this resolution;
- (b) specify that each state delegation shall have one (1) vote at the Conference; and
- (c) specify that the Conference agenda be limited to fundamental, structural, long-term reforms.

(6) Upon the official convening of The Conference of the States, the State delegations will vote upon and

approve the Conference governing structure, operating rules and bylaws.

Rep. McDaniel moved the previous question, which motion prevailed.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 5**, which motion prevailed by the following vote:

Ayes 83
Noes 12

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Beavers, Bird, Brooks, Burchett, Cantrell, Dunn, Haley, McAfee, Newton, Peach, Shirley, Wood -- 12.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1351; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 693; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 17, 1995:

House Bill No. 89: by Rep. Kisber.

House Bill No. 693: by Rep. Head.

House Bill No. 1351: by Rep. Kisber.

RULES SUSPENDED

Rep. DeBerry, J. moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 229 out of order, which motion prevailed.

House Joint Resolution No. 229 -- General Assembly -- Women in Tennessee General Assembly, 100th anniversary. by *DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Deberry L, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1: Rep(s). West as prime sponsor(s).

House Bill No. 406: Rep(s). Dunn, Miller, Gunnels, Armstrong and Huskey as prime sponsor(s).

House Bill No. 646: Rep(s). Stamps, Callicott, Bell, McMillan, Jackson, Bragg, Head, Davidson, Ridgeway, Beavers, Eckles, Peach and Armstrong as prime sponsor(s).

House Bill No. 697: Rep(s). Davis and Stulce as prime sponsor(s).

House Bill No. 795: Rep(s). Williams(Union) as prime sponsor(s).

House Bill No. 835: Rep(s). West as prime sponsor(s).

House Bill No. 1276: Rep(s). Callicott, Curtiss and Cross as prime sponsor(s).

House Bill No. 1280: Rep(s). Bell as prime sponsor(s).

House Bill No. 1327: Rep(s). Bowers as prime sponsor(s).

House Bill No. 1539: Rep(s). Curtiss as prime sponsor(s).

House Bill No. 1675: Rep(s). Westmoreland as prime sponsor(s).

House Bill No. 1867: Rep(s). Buck as prime sponsor(s).

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1846, 1866, 1870 and 1871; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 383, 492, 667 and 679; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 203, 205, 207, 208 and 209; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 13, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1494.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1030 and 1494; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 13, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 50, 53, 359, 390, 1128, 1198, 1412 and 1479; also, House Joint Resolution(s) No(s). 62, 222, 225 and 226.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to return to the House, House Bill No. 971.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment

No.1, adopted Amendment No. 4, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 155 and 157; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 155 -- Memorials, Recognition and Thanks -- Alan Howell and Dixie Barbeque Company, Inc. by *Crowe.

Senate Joint Resolution No. 157 -- Memorials, Sports -- 1994-1995 Hickman County High School girls' basketball team. by *Springer.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 382, 396, 444, 490, 953, 954, 1093, 1321, 1337, 1431, 1560 and 1814; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 382** -- Employees, Employers -- Provides civil immunity to employer who, in response to reference request about current or former employee, supplies fair and unbiased information. TCA Title 50, Chapter 1. by *Haun, *Fowler.

Senate Bill No. 396 -- Taxes, Sales -- Exempts agri-sawdust from sales and use taxes - Amends TCA Title 67, Chapter 6, Part 3. by *Burks, *Rochelle.

Senate Bill No. 444 -- Education, Higher -- Creates Tennessee Student Employment Incentive Program to subsidize employment of college students by private businesses. Amends TCA Title 49. by *Rochelle, *Womack, *McNally, *Crowe, *Elsea, *Leatherwood, *Henry, *Carter, *Rice, *Kyle, *Haynes, *Springer, *Hamilton, *Miller J.

***Senate Bill No. 490** -- Sunset Laws -- Personnel recruiting services board, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 62, Chapter 31. by *Haynes.

***Senate Bill No. 953** -- Environment and Conservation, Department of -- Adds one additional member to air pollution control board, to be appointed from residents of Wilson County. Amends TCA Section 68-201-104. by *Rochelle.

***Senate Bill No. 954** -- Environmental Preservation -- Establishes waiver for vehicles which fail emissions testing on second attempt after unsuccessful repairs costing at least \$250. Amends TCA Title 55, Chapter 4, Part 1 and Title 68, Chapter 201, Part 1. by *Rochelle, *Wright.

***Senate Bill No. 1093** -- Gas, Petroleum Products, Volatile Oils -- Empowers division of energy to promote research and development of

collection, conversion and use of methane gas. Amends TCA Title 4, Chapter 3, Part 7. by *Crutchfield.

***Senate Bill No. 1321** -- General Assembly -- Establishes toll-free telephone service for citizens to call general assembly in order to give or receive information on pending legislation. Amends TCA Title 3, Chapter 1, Part 1. by *Cohen, *Crowe, *Kyle, *Wright, *Rice, *Miller J, *Fowler, *Haun, *Carter, *Holcomb, *McNally.

Senate Bill No. 1337 -- Domestic Violence -- Authorizes judge to establish conditions of bail against person charged with domestic violence; provides that petitioner can apply for, receive, and enforce order of protection at no cost regardless of income; creates rebuttable presumptions against perpetrator of domestic violence in matter of child custody and visitation. Amends TCA Title 36, Chapter 3, Part 6; Title 36, Chapter 6 and Title 40, Chapter 11. by *Burks.

***Senate Bill No. 1431** -- Alcoholic Beverages -- Redefines Class B county to include counties having metropolitan form of government and those governed by charter form of government, which include Knox and Shelby counties, for beer permit purposes. Amends TCA Section 57-5-103. by *Gilbert, *McNally, *Atchley.

***Senate Bill No. 1560** -- Sentencing -- Requires administrators of local jails to publish method by which jail calculates service of hour, day or month for persons serving criminal sentence on noncontinuous days; provides that first 48 hours of any sentence that may be served on non-consecutive days must be served hour for hour. Amends TCA Title 40, Chapter 35. by *Kyle.

Senate Bill No. 1814 -- Hamilton County -- Subject to local approval, creates two new divisions of general sessions court. Amends Chapter 6, Private Acts of 1941, as amended. by *Crutchfield, *Fowler.

ENGROSSED BILLS
April 13, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 229.

BETTY KAY FRANCIS, Chief Engrossing Clerk.
ENROLLED BILLS
April 13, 1995

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 75, 1069, 1217, 1673 and 1708; also, House Joint Resolution(s) No(s). 218.
BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 13, 1995

The Speaker signed the following: House Bill(s) No(s). 75, 1069, 1217, 1673 and 1708; also House Joint Resolution(s) No(s). 218.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 26, 392, 1343 and 1404; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 151, 152 and 160; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 218; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 75, 1069, 1217, 1673 and 1708; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
April 13, 1995

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 75, 1069, 1217, 1673 and 1708; also, House Joint Resolution(s) No(s). 218.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
April 13, 1995

The following local bills have been placed on the Consent Calendar for **April 17, 1995**: House Bill(s) No(s). 1865 and 1878.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn,

Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, April 17, 1995.